

REMARKS

The rejections presented in the Office action dated March 7, 2005 have been considered. Claim 1 is amended to include limitations related to latching of comparison results and error monitoring and controlling output based on the latched results. Claims 11 and 18 are amended to include the limitations of claim 16, now canceled. Claims 16 and 22 are canceled without prejudice.

New claim 23 is added to claim the invention in alternative language. Claim 23 is thought to be patentable over the prior art because all the functional limitations set forth in the means plus function are not understood to be suggested by the prior art (as explained below for claim 1), and the structure described in the specification is not reasonably suggested by the prior art.

Claims 1-3, 5-15, 17-20 and 23 remain pending in the application. It should be understood that Applicant submits this amendment solely for the purpose of expediting prosecution and not for the purpose of distinguishing over the prior art. Applicant therefore reserves the right to pursue the subject matter of the amended and or canceled claims as may be desirable in subsequent prosecution. The traversals of the claim rejections as set forth in the Amendment and Response filed on November 12, 2004 are maintained and incorporated by reference in this response. Reconsideration and allowance of the application as amended are respectfully requested.

The Office Action does not establish that claims 1-3, 5-7, 11, 12, 14, 15, and 17-20 are anticipated under 35 U.S.C. §102(b) as being anticipated by "La Fetra" (U.S. Patent No. 5,509,119 to La Fetra). The rejection is respectfully traversed because the Office Action fails to show that all the limitations of the claims are taught by La Fetra. However, independent claims 1, 11, and 18 are amended and the rejection is now thought to be moot.

The Office Action does not establish that claims 8-10 are unpatentable under 35 U.S.C. §103(a) over La Fetra U.S. Patent No. 5,509,119 to La Fetra as applied to claim 1 above. A *prima facie* case of obviousness is not established. However, the rejection is now moot in view of amended claim 1.

The Office Action fails to establish that claims 13 and 16 are unpatentable under 35 U.S.C. §103(a) over La Fetra in view of “Mano” (“Pipelined Datapath” from *Logic and Computer Design Fundamentals* by Mano et al.). Similarly, the Office Action fails to establish that claims 13 and 16 are unpatentable under 35 U.S.C. §103(a) over La Fetra in view of “Madson” (U.S. Patent No. 4,310,853 to Madson). The rejection is respectfully traversed because the Office Action fails to show that all the limitations are suggested by the references and fails to provide a proper motivation for modifying the teachings of LaFetra with teachings of either Mano or Madson.

Latching comparison results and error monitoring results and using the error monitoring results to block or pass output from the fast comparison (as now set forth in amended claim 1) is not suggested by either of Mano or Madson. Furthermore, the particular combination of latches, connections and use thereof as set forth in claim 16 (now in amended claims 11 and 18) is neither shown nor suggested by either of Mano or Madson. Even though both Mano and Madson disclose latches, neither of the references shows or suggests the particular use of latches as in the fast and slow detection circuits. The general showing of different uses for latches does not suggest the specific claim limitations.


The alleged motivation for modifying La Fetra with teachings of Mano is improper. The alleged motivation states various uses of latches as taught by Mano, and alleges that since La Fetra’s output is contingent on both the Tag and ECC comparisons, a correct output cannot occur until both Tag and ECC comparisons have been generated. However, even if accepted, this does not suggest the specific use of the two latches as claimed. The alleged motivation for modifying La Fetra with Madson is similarly deficient. Therefore, the alleged motivation is based on a hindsight reconstruction of the invention rather than what the prior art suggests.

The rejection of claim 22 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,509,119 to La Fetra is moot since claim 22 is now canceled.

CONCLUSION

The Applicants respectfully submit that the pending claims are patentable over the cited prior art of record, and that the application is in condition for allowance. If the Examiner believes it necessary, the undersigned attorney of record may be contacted at (651) 686-6633 (x102) to discuss any issues related to this case.

Respectfully submitted,

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